

### R E M A R K S

Claims 3-6, 8, 10-13, 15, 17, 18, 20 and 21 are now in this Application, and are presented for the Examiner's consideration.

#### Request for One Month Extension of Time

Applicant hereby requests that the period for responding to the Office Action mailed September 5, 2007, set to expire on December 5, 2007, be extended by one (1) month, so as to expire on January 7, 2008 (MONDAY). Applicant is a large entity.

Payment is being made with this Amendment.

#### Information Disclosure Statement

An Information Disclosure Statement is being filed concurrently with this Amendment, along with payment of the required fee of \$180.00 and a copy of the one foreign reference therein.

It is requested that the Examiner acknowledge entry and consideration of these references.

#### Objection to Drawings

The drawings were objected to because numeral "20" has been used to designate both flap, region and triangular area, and numeral "10" has been used to designate both apparatus and label.

The specification has been amended to refer to numeral "20" only as a flap and to refer to numeral "10" only as a label, so that the same reference numeral designates the same part by the same name.

Accordingly, it is submitted that the objection to the drawings has been overcome.

#### Rejection of Claims under 35 U.S.C. §112

Claim 3 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for the language "or the like."

This language does not appear in claim 3, in either the published International Application, nor in claim 3 when entering the national phase in the U.S.

It is noted that claims 2 and 9 originally included this language, but that this language was deleted in the Preliminary Amendment filed with the application.

Further, all "like" terms have been deleted from the remaining claims.

Therefore, none of the other claims now in the application include the language "or the like".

It is therefore respectfully requested that this rejection be withdrawn.

### Prior Art Rejections

Claims 1-15, 17, 18 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,989,608 to Mizuno.

Mizuno relates to a microwavable food container, and discloses a pressure regulation valve which is placed over a hole in the cover film of the food container. There are four primary embodiments of the pressure regulating valve shown in Mizuno, and these are best shown in Figures 5, 9A, 10B and 15A, respectively.

Claim 1 has been canceled, and replaced by new claim 21 which narrows down to the embodiment in which the valve includes a number of cuts, slots or perforations which are separated by regions of the label layer, so that the valve is effectively "tied" to the label at these regions of the label layer, as described on page 8, lines 4-11 of the present application. Thus, claim 21 includes the limitations of previous claims 1, 2 and 7.

In comparison, Mizuno does not disclose any valve of this type. Figure 9B (a plan view of Figure 9A) of Mizuno appears to be the closest embodiment to the present invention. However, as can be seen from this figure, the flap 52b is connected to the label in one region only and is then separated from the label by

one continuous cut. The cut is therefore not "interrupted by portions of label material" as set forth in new claim 21.

The advantages of this difference are as follows:

(a) it allows a greater amount of pressure to build up before the steam is vented, thereby allowing the food to be steam cooked more effectively, and

(b) it prevents premature opening of the valve as a result of pressure build up during storage, as described at page 5, lines 22-31 of the present application.

The present application has three further independent claims.

Claim 8 is directed to a "pressure relief valve" as opposed to the "packaging container" of claim 1, but has been amended in a similar manner to new claim 21. Thus, claim 8 now includes the limitations of canceled claims 9 and 14. Accordingly, the same remarks made above as to new claim 21, apply equally to amended claim 8.

Claim 17 claims "a method of facilitating the safe removal of steam" and describes a flap member placed over an aperture of a food container. Likewise, claim 18 claims a "packaged product" with a flap or valve placed over an aperture in the packaging. These claims have been amended in the same manner as new claim

21. Accordingly, the same remarks made above as to new claim 21, apply equally to amended claims 17 and 18.

Accordingly, it is respectfully submitted that the rejection of claims 1-15, 17, 18 and 20 under 35 U.S.C. §102(b), has been overcome.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

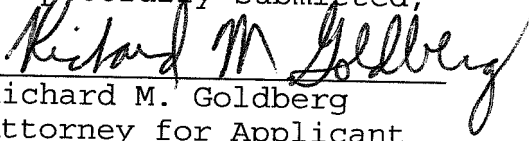
In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper, to Account No. 07-1524.

The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1524.

In view of the foregoing amendments and remarks, it is respectfully submitted that Claims 3-6, 8, 10-13, 15, 17, 18, 20

and 21 are allowable, and early and favorable consideration thereof is solicited.

Respectfully submitted,

  
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